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## Michelle Steel: Public-records fee hits poor hardest

*\$10 charge to search records not good for litigants or the public.*

By MICHELLE STEEL / For the Register

Transparency is a bulwark of liberty. The right of the people to search court records is fundamental to a free society. Yet a new public records tax, proposed by Gov. Jerry Brown and currently being debated in the Legislature, would create for many Californians cost-prohibitive roadblocks for public access to court documents.

The proposal would create a new \$10 fee for each search request to search a name or file in court. It would also increase the cost of making copies of court documents from 50 cents to \$1.

This fee, tantamount to a public records tax, represents a significant change from current law, where a \$15 fee is charged if it takes court staff longer than 10 minutes to find a document. Under the new rules, the public would be required to pay \$10 upfront just for asking for a court file.

The rationale for this increase is that court budgets have been slashed in recent years. The plan was actually hatched by judges and court officials in December, according to the San Francisco Chronicle.

With \$1.2 billion in cuts to courts over four years, it is no wonder that court officials are looking for new funding. Try calling your local courthouse to make an appointment, or ask a question. The wait times can be an outrage. There comes a point when the delays caused by these cuts verge on a violation of our constitutional rights. Something must be done.

But the solution is not to increase costs to the public and decrease access to court documents. One reason court budgets have been cut by more than \$1 billion is because of the pain politicians know it will cause the public when they face a judicial backlog.

To preserve pet projects and increase state revenue to fund new spending, politicians strike at necessary government functions, instead of creating efficiencies or cutting boondoggle programs, such as high-speed rail. Then they demand more money in order to keep the courthouse doors open.

The price increase will disproportionately affect the poorest Californians, many of whom cannot afford \$10 per document or \$1 per copy when doing the research on their cases. It also would undercut the mission of the news media by making it pricier to search court documents to publicize judicial decisions.

In a weak attempt at fairness, the proposal provides a fee exemption for individuals requesting a single search of their own case records. That will be little consolation to Californians researching other cases in order to prepare their own, and it won't help the interests of the general public in knowing what is happening in California courtrooms.

Transparency is essential to an ordered and functioning court system in a free society. Limiting access to court records makes it more difficult to prepare a case, or to monitor the decision-making process of our judicial branch. Gov. Brown's public-records fee boost will be a step backward on California's path to increased government transparency, and it will hurt those who could gain the most from ease of access to records but who can least afford to pay for it.

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